

REMARKS

The Examiner is thanked for his time both on the phone and in person. It is believed that the below remarks and above amendments completely address the Examiner's concerns, define the present invention above all prior art, and place the present application in condition for allowance.

The drawings and specification are held objected based on various informalities. The Examiner is respectfully requested to either hold such rejections in abeyance until patentable subject matter is identified, or either to make the appropriate corrections via Examiner's amendment. Should the Examiner require a formal amendment, the Examiner is requested to call the Attorney for the Applicant and said formal amendments will be provided.

Rejections Under 35 USC §102

Claims 1-18 stand rejected under 35 USC §102 in view of *DiGiorgio*. As discussed on the phone and in person, *DiGiorgio* does not teach, show or suggest:

- A) An intelligent docking station (IDS) system that includes a docking station having a co-processor capable of converting a hand held-based data element into a device enabled data element, a bus that couples the docking station to a handheld computer, where the handheld computer having a processor operated by a first operating system, where the co-processor being operated by a second operating system, the second operating system communicating with a top-level driver capable of formatting handheld-based data element into a device enabled data element, and also enabled to deliver the device enabled data element to a low level device driver; and which also includes a device coupled to the docking station, the device capable of receiving the device enabled data

element from the low level driver, as stated in amended independent claim 1;

- B) A software system for an intelligent docking station that includes an IDS operating system, a communication driver, the communication driver capable of sending and receiving bus-enabled data elements, a low-level device driver, the low-level device driver capable of sending and receiving device-based data elements, a top-level device driver, the top-level device driver capable of assembling and formatting data elements for a low-level device driver, whereby the IDS operating system adapted to communicate with a first operating system for a handheld computer having a processor; and whereby the IDS operating system being adapted to execute via a co-processor communicating with the top-level driver, and also enabled to deliver a device enabled data element to the low-level device driver, as stated in amended independent claim 10; or
- C) A software system for enabling a handheld computer to use an intelligent docking station that includes an IDS operating system, a low-level device driver in communication with the IDS operating system, a top-level device driver in communication with the IDS operating system, a communication driver in communication with the top level device driver, the communication driver capable of converting signals between a bus-enabled data element and a handheld data element, whereby the IDS operating system adapted to communicate with a first operating system for a handheld computer having a processor; and whereby the IDS operating system being adapted to execute via a co-processor communicating with the top-level driver, and also enabled to deliver a device enabled data element to the low-level device driver.

The Applicant respectfully asserts that a prima facie showing of anticipation is not made by *DiGiorgio*, and that the applicant has amended claims solely to speed the application to allowance. Accordingly, *DiGiorgio* does not teach the invention as arranged as in the claims, and should be withdrawn as a reference under 35 USC §102.

Should the Examiner maintain that additional inquiry is necessary, the Examiner is requested to fully establish a prima facie case of anticipation or non-obviousness (“the Examiner further bears the burden to first show a correct interpretation, including the scope and meaning, of each contested limitation”). *Gechter v. Davidson*, 116 F.3d 1454 (Fed. Cir. 1997). This is required, in part, so that the Applicant can ascertain whether or not the Examiner understands the invention, and so that the Applicant can frame a response. 37 CFR 1.106(b). See also *Dewey & Almy Chem. Co. v. Mimex Co.*, 124 F.2d 986, 989 (2d Cir. 1942).

If the examination at the initial stage does not produce a prima facie case of unpatentability, then without more the applicant is entitled to a grant of the patent. *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992). Accordingly, the Examiner is respectfully requested to withdraw all rejections based on 35 USC §102, and to allow the case to proceed to Allowance.

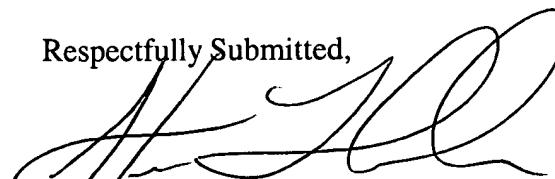
In the Event Arguments are Believed Insufficient

Should the Examiner disagree that the remarks place the application in condition for allowance, then the Examiner is respectfully requested to prepare an acceptable proposed set of claims pursuant to MPEP 707.07 (j).

Thus, it is believed that the pending claims are allowable, and allowance of said claims is respectfully requested. Other references made of record but not relied upon in the Office Action are considered no more relevant to the invention than the reference relied upon by the Examiner.

If the Examiner has other matters which remain, the Examiner is encouraged to contact the under signed attorney to resolve these matters by Examiners Amendment where possible.

Respectfully Submitted,



Steven W. Thrasher, Attorney for Applicant
Reg. No. 43,192

Thrasher Associates, LLC
391 Sandhill Dr., Suite 1600
Richardson, Texas 75080
Tel: (972) 918-9312
Fax: (214) 291-5991